IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16489 of 2004

Between:

1. Y. Satchidananda Murthy, S/o Late Y.Krishna Somayajulu,
Retd. Govt. employee and Elected President from 17-8-2003

to 16-8-2005 of Parents Association of the Hearing

Handicapped Children, R/o 207,

Sai Kalyan Apartments, Kamalanagar East.

ECIL, Hyderabad.
2 G. Chandrakant Reddy, S/o G.S. Venkat Reddy,
Hearing Handicapped Children, R/o H.No. 10-1-673,

West Mardepally, Secunderabad.

..... PETITIONERS

AND

1 The Govt. of A.P.,

rep., by its Principal Secretary, Women and Child Welfare,
Disabled Welfare Department, Secretariat,Hyderabad.
2 The Commissioner,

Disabled Welfare & State Commissioner (Under Persons

with Disabilities Act, 1995), 6th Floor,
Chandravihar, M.J. Road,Nampally, Hyderabad.
3 The District Collector, Hyderabad, Hyderabad District.
4 The Asst. Director,

Disabled Welfare ,Hyderabad District,

near Exhibition grounds,Nampally, Hyderabad.
5 Shaik Rahmatullah, S/o Moulali,

R/o Q.No. 1/3, CPWD, Begumpet, Hyderabad.

6 The Managing Committee,

Patents Association of the Hearing Handicapped Children,

rep. by G. Prabhakar S/o Sattaiah,

aged 45 yrs, R/o SRT 265, Jawahar Nagar,

RTC X Roads, Hyd, (Claiming to be the President elect of the {Parents Assn of The Hearing Handicapped Children

in the Elections alleged to have been held on 6-9-2004)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of Certiorari call for the records relating to the letter issued by 2nd respondent vide No. S-1X/3121/2004, dt. 7-6-2004 and Quash the same by duly declaring the letter issued by the 2nd respondent for holding the elections with the parents of Hearing Impaired children only by excluding the non-parent Members without any authority and contrary to Bye-laws of the Association as illegal, arbitrary, without jurisdiction, and contrary to the provisions of A.P. (T.A) Public Societies Registration Act, 1350 F and also contrary to the provisions of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1955 and also the Rules made thereunder.

Counsel for the Petitioners: Mr. V.RAVI KIRAN RAO

Counsel for the Respondents: GP FOR WOMEN DEV. & CHILD WELFARE

The Court at the admission stage made the following ORDER:

The 1st petitioner claims that he is the President of the 6th respondent-Association and the 2nd petitioner is the Vice-President of the said Association. While the tenure

of the 1st petitioner is in force, the 2nd respondent issued an order on 07-06-2004 directing the 6th respondent-Association to conduct elections for the Society with the parents of the handicapped children only. Accordingly, election was conducted on 06-09-2004 and the Managing Committee of the Parents Association of the hearing handicapped children was elected. The petitioner now came forward with the present Writ Petition seeking to declare that the letter of the 2nd respondent dated 07-06-2004 directing to hold the election with the parents of the hearing impaired children only by excluding non-parent members without any authority and contrary to the byelaws of the Association as illegal, arbitrary and contrary to the provisions of the A.P.(T.A.) Public Societies Registration Act, 1350 F.

In pursuance of the proceedings of the 2nd respondent dated 07-06-2004, the elections were conducted and the Managing Committee was elected on 06-09-2004. If the petitioners are aggrieved by the election of the new office bearers, it is for them to approach the appropriate forum questioning the validity and legality of the election of the new office bearers. The Writ Court is not the appropriate forum for the petitioners to adjudicate about the validity of the election. Since the elections were already over in pursuance of the proceedings issued by the 2nd respondent, the petitioners cannot question the validity of the proceedings of the 2nd respondent through this Writ Petition. The Writ Petition is accordingly dismissed.

The petitioners are at liberty to agitate before appropriate forum regarding the legality of the election of the new office bearers.

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(Dr. G.YETHIRAJULU,J)

27th October, 2004.

Note:

Furnish C.C. in one week.

B/o

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To

1 The Principal Secretary,

The Govt. of A.P.,

Women and Child Welfare,
Disabled Welfare Department, Secretariat,Hyderabad.

2 The Commissioner,

Disabled Welfare & State Commissioner (Under Persons

with Disabilities Act, 1995), 6th Floor,
Chandravihar, M.J. Road,Nampally, Hyderabad.

3 The District Collector, Hyderabad, Hyderabad District.

4 The Asst. Director,

Disabled Welfare ,Hyderabad District,

near Exhibition grounds,Nampally, Hyderabad.

5 G.Prabhakar, s/o Sattaiah,

representing The Managing Committee,

Patents Association of the Hearing Handicapped Children,

R/o SRT 265, Jawahar Nagar,

RTC X Roads, Hyderabad.

6 Two CCs to the GP FOR WOMEN DEV. & CHILD WELFARE,

High Court of A.P., Hyderabad (O.U.T).

7 Two CD Copies.